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ANSVVERS

For the Free-men Fleſhers of Edinburgh, to the Petiton preſented to His Majeſties high Commiſſioner, and the Honourable Eſtates of Parliament, by Alexander Milne and VVilliam Lawſon, Andrew Brown, Archibald Douglaſs, Janet Carſe Relict of umquhile Thomas VVright Fleſhers of the ſaid Burgh, againſt them.

THE *INCORPORATION* of *Fleſhers* was Eſtabliſhed by a Seal of Cauſe in their favors granted by the Magiſtrats of *Edinburgh*, above two hundred Years ago, and continued in the Exerciſe and Poſſeſſion of the Liberties and Priviledges thereby Granted to them ever ſince that time, as well as any Incorporation of the ſaid Burgh, and obtained theſe Priviledges, particularly eſtabliſhed, againſt the Invaſions and Incroachments made upon them by the Unfree-men of the ſaid Burgh, after hearing of both Parties, by an Decreet of Council, dated the ſeventh day of *June* 1595 years, under the Hand of Mr. *John Skene* Clerk Regiſter, as the ſamen herewith produced bears. And Sicklyke, by an Act of the Magiſtrats and Town-Council of *Edinburgh*, dated the 20. day of *Auguſt* 1656 years, The ſundrie Priviledges, mentioned in the ſeveral Acts therein ſpecified are of new Ratified and Approven to them, and ordained to be made uſe of by the ſaids Free-men Fleſhers in all time coming; and particularly that the Un-free-men Fleſhers in Burgh & Landward only ſell their Fleſh in open Mercat upon the Mercat days, either by whole Carcaſſes, or at leaſt quarters, and no otherwiſe: All which Priviledges are Ratified in the Parliament 1681: As alſo, by Decreet of the Lords of Privy Council, dated the twenty ſixth day of *November* 1685, The Unfree-men Fleſhers are expreſly diſcharged to bring in, or hang any Beef, or other Fleſh in the Fleſh Mercat of *Edinburgh*, but upon the three common Weekly Mercat Days, and reſerved the Point of Right to be diſcuſſed by the Lords of Seſſion, as the ſaid Decreet bears; all which Priviledges are again Ratified by Act of Parliament, dated the fifteenth day of *June* 1693 years; and particularly the foreſaid Act of the Town Council, in *anno* 1656, where it is ſtatute and ordained, that the whole Unfree-men Fleſhers, keep only three Mercat Days in the Week, *viz. Tueſday*, *Thurſday* and *Saturday*, as the ſaid Ratification likewiſe bears.

NATIONAL LIBRARY OF SCOTLAND

The Free-men Fleſhers of *Edinburgh* being thus founded by the Seal of Cauſe, and other particular Rights above-mentioned, it is humbly conceived their ſaids Rights cannot be ſummarily taken away by a Petition, but the ſamen are only competent to be quarrelled or reduced before the Judge Ordinary, as the privat Rights of particular Parties or Incorporations and Socities are in uſe to be. *Secundo*, If this Method be allowed of, to quarrel the Incorporation of Fleſhers, then all the Incorporations within the ſeveral Burghs of *Scotland* may be brought in queſtion that ſame way: And as it would be thought, both a Novelty and great Incroachment upon the Liberties and Priviledges of the Burghs Royal, to have the Rights and Priviledges of their ſeveral Incorporations brought in queſtion, and infringed by extranious Perſons; So it is hoped His Majeſties High Commiſſioner, and Honourable Eſtates of Parliament will not open ſuch a Door, by ſummarily deſtroying the Priviledges of the Free-men Fleſhers, and thereby breaking their Incorporation, *Tertio*, The Act of the Town Council of *Edinburgh*, founded upon in the Petition, can no ways be relevant to infer the Concluſion and Deſire, in favours of the Un-free Fleſhers, in reſpect: *Primo*, It is evident the ſamen has never been intended for a perpetual Rule or ſtanding Law in the Burgh, being only an Article ſubjoyned to a Table of Pryces for Butcher-meat, Wild-fowl, and othet Vivers, made by the Magiſtrats of *Edinburgh* for the year 1688, and which being only made for one year, and by the conſtant Cuſtom altered yearly, according to the ſcarcity or plenty of the ſaid kind of Vivers: That Article could be of no more laſting or dureable Force than the other Articles ſubjoined to that Table of Pryces: and as it were abſurd to pretend now that the Wine ſhould be ſold at eighteen *ſhill. per Pynt*, as it is appointed there, ſo it is no leſs abſurd to pretend that the Article about the Un-free-men Fleſhers ſhould be of perpetual Continuance. *Secundo*, There being an Act of Parliament made a little before that time, appointing Fleſh to be ſold by Weight, the Magiſtrats of *Edinburgh*, for bringing the Fleſhers to the Obedience of that Act of Parliament, did indulge the Un-free-men to ſell by weight upon all days of the Week, to the effect they might conſtrain the Free-men Fleſhers to Obſerve the foreſaid Act of Parliament more readily: But that Act of Parliament falling in deſuetude, and proving inpracticable, and the Un-free Fleſhers being the firſt that left off to ſell their Fleſh by weight, upon pretence of their being reſtricted to ſell Carcaſſes, or at leaſt Quarters, There was no reaſon they ſhould enjoy that Article, as a perpetual Right which they had only been indulged the favour of for a particular time, for Ends and Cauſes they had never anſwered nor obſerved: In Conſideration whereof, the Magiſtrats of *Edinburgh*, by their Act dated the *4th.* of *September*, 1689 years, did of new again reſtrict the Un-free-men to the ſaid three Mercat-days, conform to the Gifts and Priviledges conceived in Favours of the Free-men, as the Act herewith produced will teſtifie. *Quarto*, It were a great prejudice, not only to the particular Incorporation of Free-men Fleſhers, within the Town of *Edinburgh*, to admit the Un-free-men to the equal Priviledges with the Free-men, but alſo to the whole other Incorporations and Land-Lords within the ſamen, in reſpect, if this Incorporation be broken, and no diſtiction made betwixt Free-men and Un-free-men, then the Free-men can never bear Scot and Lot of the Burgh, but their proportion of Ceſſes, and all other publick Burdens which they did bear within Burgh, muſt neceſſarily fall upon

upon the other Incorporations and Land-lords, to the great prejudice of the Burgh; which it is hoped, His Majeſties high Commiſſioner and the Eſtates of Parliament does no ways intend, for gratificing only two or three obſcure inconſiderable perſons, who preſumptouſly aſſume the general Deſignation of Un-free-men; and albeit three or four of the Petitioners have had the Preſumption to give in the Petition in Name of the Un-free-men in general. yet the Generality and underſtanding men of that Number, conſidering how much it would tend to the prejudice of the Inhabitants of the Burgh, have for moſt pregnant Reaſons diſclaimed the foreſaid Complaint, and taken Inſtruments againſt the turbulent *Movers* thereof, as an Extract of the *Inſtruments*, here preſent to ſhow bears. *Quinto*, The Magiſtrats of *Edinburgh* can eaſily ratifie Rectifie any Abuſes, that the Free-men Fleſhers may happen to Commit, and accordingly every year with Concurrence of the Lords of Seſſion, do ſet Rates upon, and Rules for the Sale of all kinds of Vivers within Burgh: But they can no ways be anſwerable for Un-free-men, who are not ſubject to their Juriſdictions. And farder, His Majeſties High Commiſſioner, and Eſtates of Parliament are humbly intreated to take into their Conſideration, of what Evil Conſequence this pretended Advantage would be, by tollerating Un-free-men, as is demanded in their Groundleſs *Petition*, for beſides what is above Repreſented, which makes the Freedom of Incorporation as ſecure as Law can make it, yet if Un-free-men were tollerat to come in ſix days in the Week, then they may Combine amongſt themſelves to keep up their Fleſhes from ſale one day, unleſs they get what *P*ryces they pleaſe, becauſe they know they can expoſe it the immediate next day thereafter, and ſo have the advantage over the Inhabitants: Whereas, when they are reſtricted to three days in the week, they are oblidged to ſell at a reaſonable Rate, becauſe Fleſhes will not keep uncorrupted until an other Mercat Day: And beſides that, it is preſumed, that the Countrie Fleshers would rather ſell at eaſie Rates, than to carry back their Fleshes to the Country again, and they are in no worſe condition than the *F*ree-men are, for the Free-men are reſtricted from coming to the *Land-mercat*, except upon the ſame days that are already allowed to Un-free-men.

And whereas it is pretended, that the giving a toleration to Un-free-men, would hinder the Free-men to exact Exorbitant Prices. It is Anſwered, that three days being allowed to Countrey Fleſhers, the Inhabitants may eaſily provide themſelves in one day, as much as may ſerve them two: And if the Free-men ſhould offer to exact greater Rates than the Un-free-men, then they would ruine themſelves, and their Fleſhes would ly un-ſold, and before another Mercat day would be unfit to be preſented to a Mercat. And as to the preſent Dearth, it is unqueſtionably known to the Honourable Court of Parliament, that the ſame is occaſioned by the bad Seaſon only.

And laſtly, If the Freedom of the Incorporation ſhould be incroached upon and Infringed, then this evil doth inevitably follow, as it hath done in former times; that the Free-mens Servants do therepon quite their Service, and look upon themſelves to be as free as their Maſters, and go to the Countrey, and in their Maſters Names, do buy Beſtial from Gentlemen and other perſons, and Butcher the ſamine themſelves, without ever paying theſe from whom they buy them: So that it may be ſaid with confidence, that the Countrey hath ſuſtained thereby the loſs upwards of Fourty thouſand Pounds, within theſe few Years: And that is not the only loſs, but ſeveral others of the Unfree-men do

buy

buy at the Fourth Hand, and ſo conſequently muſt ſell at dearer Rates than the Free-men. By all which the Incorporation is abuſed, and are deprived of Servants, for ſerving the Leidges; which is occaſioned by the countenaucing and tolerating Unfree-men.

In reſpect whereof, it is hoped, His Majeſties High Commiſſioner, and Honourable Eſtates of Parliament, will not cut off the Rights and Priviledges of ſo ancient an Incorporation, who is the Tenth Deaconrie of the Burgh of *Edinburgh*, conform to the Sett and Decreet Arbitral, pronounced by King *James* the Sixth: *B*ut on the contrary, will be pleaſed to reject the deſire of the foreſaid groundleſs Petition; and of new again, to Ratifie and Confirm the Rights and Freedome of the Incorporation, as formerly was done, both in this Current Parliament, and others preceeding.

Answeris
by ye freemen
fleshers
To
the petition by
the Countrey
fleshers